



One Broadway  
New York, NY 10034-1007  
212.425.7200  
Fax 212.425.5233

RECEIVED  
FEB 24 2005

**Fax Transmission**

From: Aaron C. Deditch Date: February 24, 2005  
Direct Dial: 212.908.6417 Fax: 212.425.5288  
Client/Matter: 12745/5 (formerly Docket No. 10378/3) Total number of pages: 2  
(including cover)

*Please deliver to:*

Name	Company	Fax	Phone
Examiner Than Vinh Nguyen	USPTO	703-872-9306	571-272-4198

Message:

**RE: Docket No. 12745/5 (formerly Docket No. 10378/3)  
Appl. Serial No. 09/829,646**

**Please send to Art Unit 2187**

☒ Original will not follow ☐ Original will follow by ☐ Regular Mail ☐ Overnight Delivery ☐ Hand Delivery

The information contained in this facsimile transmission, including any attachments, is subject to the attorney-client privilege, the attorney work product privilege or is confidential information intended only for the use of the named recipient. If the reader of this Notice is not the intended recipient or the employee or agent responsible for delivering this transmission to the intended recipient, you are hereby notified that any use, dissemination, distribution or copying of this communication is strictly prohibited. If you have received this transmission in error, please notify us immediately by telephone, so that we may arrange for its return or destruction at our cost. Thank you.

New York Washington, DC Silicon Valley [www.kenyon.com](http://www.kenyon.com)

Att. Docket No. 12745/5 (formerly Docket No. 10373/3)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appl. Serial No. : 09/829,646 Confirmation No. 5370  
Title : COMPUTER SYSTEM WITH TRANSPARENT DATA  
MIGRATION BETWEEN STORAGE VOLUMES  
Applicant(s) : Carey Philip Atkin  
Filed : April 10, 2001  
TC/A.U. : 2187  
Examiner : Than Vinh Nguyen  
Docket No. : 12745/5  
Customer No. : 26646

**37 C.F.R. § 1.8 CERTIFICATE OF TRANSMISSION**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d) on the date shown below:  
AARON C. DEDITCH (Reg. No. 33,865)  
Type or print name of person signing Certificate

Signature

Date

Attn: Examiner Than Vinh Nguyen (Facsimile No.: 703-872-9306)  
Phone No.: 571-272-4198 (Ex. Than Vinh Nguyen)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**COMMUNICATION**

S I R:

This Communication is to confirm the telephone conference between Examiner Than Vinh Nguyen and Ms. S. Elizabeth Miller (Legal Assistant to Aaron C. Deditch (reg. no. 33,865)) of February 15, 2005. Examiner Nguyen confirmed that he had received our Communication of January 25, 2005, and indicated that everything was "ok" as to the Applicant being able to obtain extensions of time as to any response. In particular, the Examiner advised and confirmed that he would issue an Office Communication concerning the Office Action of November 24, 2004 to confirm the fact that Applicants may obtain extensions of time as to any response as to the first Office action, since the related litigation had been dismissed, as detailed in the Communication of January 25, 2004.

*While no fee is believed to be due as to this Communication, the Commissioner is authorized to charge payment of any fees associated with this communication or credit any overpayment to the deposit account of Kenyon & Kenyon, deposit account number 11-0600. A duplicate copy of this page is enclosed.*

Respectfully submitted,  
KENYON & KENYON

Dated:

By:

Aaron C. Deditch (Reg. No. 33,865)  
One Broadway  
New York, New York 10004  
(212) 425-7200  
CUSTOMER NO. 26646

925424